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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ALEXANDER LOPEZ,

Petitioner,

v.

BRIAN WILLIAMS, et al.,

Respondents.

Case No. 2:18-cv-00480-JCM-NJK

ORDER

This *pro se* habeas petition comes before the court on petitioner's motion for appointment of counsel (ECF No. 5) and application to proceed *in forma pauperis* (ECF No. 4). As petitioner has already paid the filing fee, the pauper application will be denied as moot.

There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir.1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986), cert. denied, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), cert. denied, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. See *Chaney*, 801 F.2d at 1196; see also *Hawkins v. Bennett*, 423 F.2d 948 (8th Cir.1970). Here, the petition is sufficiently clear in presenting the issues that petitioner wishes

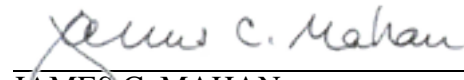
1 to raise, and the legal issues are not complex. Accordingly, the court does not find that
2 appointment of counsel is justified in this case.

3 In accordance with the foregoing, petitioner's application to proceed in forma pauperis
4 (ECF No. 4) is DENIED AS MOOT.

5 It is further ordered that petitioner's motion for appointment of counsel (ECF No. 5) is
6 DENIED.

7 IT IS SO ORDERED.

8 DATED March 28, 2018.

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11 JAMES C. MAHAN
12 UNITED STATES DISTRICT JUDGE
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